

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-04880-ALC-AJP**

Gelb v. Federal Reserve Bank of New York et al
Assigned to: Judge Andrew L. Carter, Jr
Referred to: Magistrate Judge Andrew J. Peck
Cause: 05:552 Freedom of Information Act

Date Filed: 06/21/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Bernard Gelb**

represented by **Paul Amandio Batista**
Paul A. Batista, PC
26 Broadway
New York, NY 10004
212 980-0070
Email: Batista007@aol.com
ATTORNEY TO BE NOTICED

V.

Defendant**Federal Reserve Bank of New York**

represented by **David Lawrence Gross**
Federal Reserve Bank of New York
33 Liberty Street
New York, NY 10045
(212)-720-2356
Fax: (212)-720-8709
Email: david.gross@ny.frb.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Board of Governors of the Federal Reserve System**

represented by **Yvonne Facchina Mizusawa**
Board of Governors of The Federal Reserve System [20th and C Sts., N.W.
Washington, DC 20551
(202) 452-3436
Fax: (202) 736-5615
Email: yvonne.f.mizusawa@frb.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/21/2012	1	COMPLAINT against Board of Governors of the Federal Reserve System, Federal Reserve Bank of New York. (Filing Fee \$ 350.00, Receipt Number 1041698)Document filed by Bernard Gelb.(jfe) (Entered: 06/26/2012)
06/21/2012		SUMMONS ISSUED as to Board of Governors of the Federal Reserve System, Federal Reserve Bank of New York. (jfe) (Entered: 06/26/2012)
06/21/2012		Magistrate Judge Andrew J. Peck is so designated. (jfe) (Entered: 06/26/2012)
06/21/2012		Case Designated ECF. (jfe) (Entered: 06/26/2012)
06/26/2012		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Paul Amandio Batista for noncompliance with Section 14.3 of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document 1 Complaint to: caseopenings@nysd.uscourts.gov. (jfe) (Entered: 06/26/2012)

07/06/2012	<u>2</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Andrew J. Peck. (Signed by Judge Andrew L. Carter, Jr on 7/6/2012) (pl) (Entered: 07/09/2012)
08/07/2012	<u>3</u>	ENDORSED LETTER: addressed to Judge Andrew L. Carter from Federal Reserve Bank of New York dated 8/6/2012 re: Counsel for defendant requests an extension of time for the filing of the response to the Complaint in this matter until September 21, 2012. ENDORSEMENT: So Ordered. Federal Reserve Bank of New York answer due 9/21/2012. (Signed by Judge Andrew L. Carter, Jr on 8/7/2012) (js) Modified on 8/29/2012 (mt). (Entered: 08/07/2012)
09/20/2012	<u>4</u>	FILING ERROR – ELECTRONIC FILING FOR NON-ECF DOCUMENT – PROPOSED MOTION for Conference. Document filed by Federal Reserve Bank of New York.(Gross, David) Modified on 9/21/2012 (ldi). (Entered: 09/20/2012)
09/20/2012		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>4</u> HAS BEEN REJECTED. Note to Attorney David Lawrence Gross : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (ldi) (Entered: 09/21/2012)
09/25/2012	<u>5</u>	ENDORSED LETTER addressed to Judge Andrew L. Carter, Jr. from David L. Gross dated 9/20/2012 re: I write to request a pre-motion conference. ENDORSEMENT: A pre-motion conference is scheduled for 10/12/12 at 10:45 a.m., (Pre-Motion Conference set for 10/12/2012 at 10:45 AM before Judge Andrew L. Carter Jr.) (Signed by Judge Andrew L. Carter, Jr on 9/25/2012) (lmb) (Entered: 09/25/2012)
10/02/2012	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Board of Governors of the Federal Reserve System served on 9/21/2012, answer due 10/12/2012. Service was accepted by Juanetta Price. Document filed by Bernard Gelb. (Batista, Paul) (Entered: 10/02/2012)
10/12/2012		Minute Entry for proceedings held before Judge Andrew L. Carter, Jr: Pre-Motion Conference held on 10/12/2012, Paul Batista for Plaintiff(s). David Gross for Defendant(s). The briefing schedule for the discussed motion to dismiss is as follows: (Motions due by 11/13/2012., Responses due by 12/12/2012, Replies due by 12/26/2012., Status Conference set for 2/25/2013 at 10:00 AM before Judge Andrew L. Carter Jr..) (pl) (Entered: 10/19/2012)
10/23/2012	<u>7</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 10/12/2012 before Judge Andrew L. Carter, Jr.. Court Reporter/Transcriber: Bridget Lombardozzi, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/16/2012. Redacted Transcript Deadline set for 11/29/2012. Release of Transcript Restriction set for 1/25/2013.(Moya, Goretti) (Entered: 10/23/2012)
10/23/2012	<u>8</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 10/12/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Moya, Goretti) (Entered: 10/23/2012)
11/05/2012	<u>9</u>	ORDER: Defendant Board of Governors of the Federal Reserve System should file and serve their proposed motion to dismiss for insufficient service of process on the United States by November 13, 2012. Plaintiff should respond by December 12, 2012. Defendant Board of Governors of the Federal Reserve System should reply by December 26, 2012. A status conference has been set for February 25, 2013 at 10:00 a.m.(Motions due by 11/13/2012, Responses due by 12/12/2012, Replies due by 12/26/2012.) (Signed by Judge Andrew L. Carter, Jr on 11/5/2012)

		(ja) (Entered: 11/07/2012)
11/08/2012	<u>10</u>	ENDORSED LETTER addressed to Judge Andrew L. Carter, Jr. from David L. Gross dated 11/7/12 re: Counsel for the defendant writes to request an extension of time for the filing of the motion to dismiss. ENDORSEMENT: New deadlines for defendants FRBNY and Board of Governors of the Federal Reserve System: Motions to dismiss due 11/27/12. Plaintiffs' response due 12/26/12. Defendants' reply due 1/9/13. Status conference rescheduled to 3/5/13 at 10 a.m. So ordered. (Motions due by 11/27/2012., Responses due by 12/26/2012, Replies due by 1/9/2013., Status Conference set for 3/5/2013 at 10:00 AM before Judge Andrew L. Carter Jr.) (Signed by Judge Andrew L. Carter, Jr on 11/8/2012) (mro) (Entered: 11/08/2012)
11/20/2012	<u>11</u>	CERTIFICATE OF SERVICE of Summons and Complaint. Board of Governors of the Federal Reserve System served on 11/9/2012, answer due 11/30/2012. Service was made by MAIL. Document filed by Bernard Gelb. (Batista, Paul) (Entered: 11/20/2012)
11/20/2012	<u>12</u>	CERTIFICATE OF SERVICE of Summons and Complaint. Board of Governors of the Federal Reserve System served on 9/21/2012, answer due 11/30/2012. Service was accepted by Juanetta Price. Document filed by Bernard Gelb. (Batista, Paul) (Entered: 11/20/2012)
11/26/2012	<u>13</u>	MOTION to Dismiss <i>for Insufficient Service of Process</i> . Document filed by Board of Governors of the Federal Reserve System. Responses due by 12/26/2012(Mizusawa, Yvonne) (Entered: 11/26/2012)
11/26/2012	<u>14</u>	MEMORANDUM OF LAW in Support re: <u>13</u> MOTION to Dismiss <i>for Insufficient Service of Process</i> .. Document filed by Board of Governors of the Federal Reserve System. (Mizusawa, Yvonne) (Entered: 11/26/2012)
11/26/2012	<u>15</u>	DECLARATION of Yvonne F. Mizusawa in Support re: <u>13</u> MOTION to Dismiss <i>for Insufficient Service of Process</i> .. Document filed by Board of Governors of the Federal Reserve System. (Attachments: # <u>1</u> Exhibit A)(Mizusawa, Yvonne) (Entered: 11/26/2012)
11/27/2012	<u>16</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Federal Reserve Bank of New York.(Gross, David) (Entered: 11/27/2012)
11/27/2012	<u>17</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Summary Judgment. Document filed by Federal Reserve Bank of New York. Responses due by 12/26/2012 Return Date set for 3/5/2013 at 10:00 AM. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit)(Gross, David) Modified on 11/28/2012 (ldi). (Entered: 11/27/2012)
11/27/2012	<u>18</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>17</u> MOTION for Summary Judgment.. Document filed by Federal Reserve Bank of New York. (Gross, David) Modified on 11/28/2012 (ldi). (Entered: 11/27/2012)
11/27/2012	<u>19</u>	RULE 56.1 STATEMENT. Document filed by Federal Reserve Bank of New York. (Gross, David) (Entered: 11/27/2012)
11/27/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Lawrence Gross to RE-FILE Document <u>17</u> MOTION for Summary Judgment. ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Declaration in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. (ldi) (Entered: 11/28/2012)
11/27/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Lawrence Gross to RE-FILE Document <u>18</u> Memorandum of Law in Support of Motion. ERROR(S): Document linked to filing error. (ldi) (Entered: 11/28/2012)
11/28/2012	<u>20</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Michael Held in Support re: <u>17</u> MOTION for Summary Judgment.. Document filed

		by Federal Reserve Bank of New York. (Gross, David) Modified on 11/28/2012 (ldi). (Entered: 11/28/2012)
11/28/2012	<u>21</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Gail Armendinger in Support re: <u>17</u> MOTION for Summary Judgment.. Document filed by Federal Reserve Bank of New York. (Gross, David) Modified on 11/28/2012 (ldi). (Entered: 11/28/2012)
11/28/2012	<u>22</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Timothy Fogarty in Support re: <u>17</u> MOTION for Summary Judgment.. Document filed by Federal Reserve Bank of New York. (Gross, David) Modified on 11/28/2012 (ldi). (Entered: 11/28/2012)
11/28/2012	<u>23</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>17</u> MOTION for Summary Judgment.. Document filed by Federal Reserve Bank of New York. (Gross, David) Modified on 11/28/2012 (ldi). (Entered: 11/28/2012)
11/28/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney David Lawrence Gross to RE-FILE Document <u>20</u> Declaration in Support of Motion, <u>21</u> Declaration in Support of Motion, <u>22</u> Declaration in Support of Motion, <u>23</u> Memorandum of Law in Support of Motion. ERROR(S): Documents linked to filing error. NOTE: Re-File the Motion first, then re-file and link supporting documents. (ldi) (Entered: 11/28/2012)
11/28/2012	<u>24</u>	MOTION for Summary Judgment. Document filed by Federal Reserve Bank of New York. Responses due by 12/26/2012 Return Date set for 3/5/2013 at 10:00 AM.(Gross, David) (Entered: 11/28/2012)
11/28/2012	<u>25</u>	MEMORANDUM OF LAW in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Federal Reserve Bank of New York. (Gross, David) (Entered: 11/28/2012)
11/28/2012	<u>26</u>	DECLARATION of Michael Held in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Federal Reserve Bank of New York. (Gross, David) (Entered: 11/28/2012)
11/28/2012	<u>27</u>	DECLARATION of Gail Armendinger in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Federal Reserve Bank of New York. (Gross, David) (Entered: 11/28/2012)
11/28/2012	<u>28</u>	DECLARATION of Timothy Fogarty in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Federal Reserve Bank of New York. (Gross, David) (Entered: 11/28/2012)